

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

<b>KEITH LOGAN,</b>	)	
	)	
Plaintiff,	)	
	)	Case No. 4:21-CV-01177
v.	)	
	)	
<b>FAURECIA AUTOMOTIVE</b>	)	<b><i>Removal from</i></b>
<b>SEATING, LLC,</b>	)	<b>St. Charles County Circuit Court</b>
	)	<b>Case No. 2111-CC00722</b>
Defendant.	)	

**DEFENDANT FAURECIA AUTOMOTIVE SEATING’S NOTICE OF REMOVAL**

COMES NOW Defendant, Faurecia Automotive Seating, LLC (“Defendant”), by its attorneys, and hereby removes the above-referenced lawsuit filed by Plaintiff Keith Logan (“Plaintiff”) in the Circuit Court of St. Charles County, Missouri. For its Notice of Removal, Defendant states as follows:

1. On August 20, 2021, Plaintiff filed a Petition against Defendant Faurecia Automotive Seating in the Circuit Court St. Charles County, Missouri (“Plaintiff’s State Action”) alleging claims of discrimination and retaliation in violation of the Family Medical Leave Act, 29 U.S.C. § 2601 *et. seq* (“FMLA”) (Count I), interference in violation of the FMLA (Count II), disability discrimination and retaliation in violation of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12111 *et. seq* (“ADA”) (Count III), disability discrimination in violation of the Missouri Human Rights Act, R.S. Mo. § 213.010 *et. seq* (“MHRA”) (Count IV), and retaliation in violation of the MHRA (Count V). Plaintiff also brings a constitutional challenge to SB43 in his Petition.

2. A copy of Plaintiff’s State Court Action is attached hereto as **Exhibit A**.

3. The instant lawsuit is one that may be removed to this Court by Defendant pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, by virtue of the federal questions raised in Plaintiff's Petition, in that Plaintiff's claims allege violations of the laws of the United States.

4. No previous application has been made for the relief requested herein.

5. Defendant has timely filed this Notice of Removal pursuant to 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of the date Defendant received a copy of the Summons and Petition. Defendant was served with a copy of Plaintiff's Summons and Petition on September 3, 2021.

6. The United States District Court for the Eastern District of Missouri includes St. Charles County, where the State Court Action is now pending. This action is properly removed to the Eastern District of Missouri pursuant to 28 U.S.C. § 1441(a).

7. Federal district courts have original jurisdiction over claims "arising under the Constitution, treaties, or laws of the United States." 28 U.S.C. § 1331.

8. A claim arises under the laws of the United States for purposes of federal-question jurisdiction when a federal question is presented on the face of a plaintiff's properly pleaded complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987).

9. Plaintiff's Petition raises a federal question, in that he alleges Defendant violated the ADA and FMLA (Counts I-III). (Exhibit A). Therefore, this Court has original jurisdiction over those claims pursuant to 28 U.S.C. § 1331.

10. This Notice of Removal is accompanied by written Notice to Plaintiff, and a written Notice to Clerk of Removal filed with the Clerk of the Circuit Court of St. Charles County, Missouri, on this date, all as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Faurecia Automotive Seating provides Notice of Removal of the above-styled action pending in the Circuit Court of St. Charles County, Missouri to the United States District Court for the Eastern District of Missouri.

Respectfully Submitted,

JACKSON LEWIS P.C.

/s/ Katrina Y. Morgan

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*Attorneys for Defendant*

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2021, I served a true and correct copy of the foregoing via the Court's Electronic Filing System and electronic mail with service upon the following counsel of record:

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